

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA**

**Cheryl Dean Riley**  
Clerk of Court

**OFFICE OF THE CLERK OF COURT  
POST OFFICE BOX 471  
WHEELING, WEST VIRGINIA 26003  
(304) 232-0011  
Facsimile (304) 233-2185**

**Michelle Widmer-Eby**  
Chief Deputy Clerk

September 29, 2021

Via CM/ECF

United States for the Use and Benefit of Master Masonry LLC  
c/o Dale A. Buck  
306 West Burke St.  
Martinsburg, WV 25401

Via CM/ECF

Travelers Casualty and Surety Company of America and  
Greenland Enterprises, Inc.  
c/o Christopher A. Lauderman  
Steptoe & Johnson, PLLC - Morgantown  
PO Box 1616  
Morgantown, WV 26507-1616  
and  
Jonathan Tyler Mayhew  
Bowles, Rice, McDavid, Graff & Love  
PO Drawer 1419  
Martinsburg, WV 25401  
and  
Tracey A. Rohrbaugh  
Bowles Rice LLP - Martinsburg  
PO Drawer 1419  
Martinsburg, WV 25402

500 West Pike Street, Room 301  
Clarksburg, WV 26302  
(304) 622-8513

P.O. Box 1518  
Elkins, WV 26241  
(304) 636-1445

217 W. King Street, Room 102  
Martinsburg, WV 25401  
(304) 267-8225

Via CM/ECF  
First Colonial Builders, Inc.  
c/o Tracey A. Rohrbaugh  
Bowles Rice LLP - Martinsburg  
PO Drawer 1419  
Martinsburg, WV 25402

In Re: United States for the Use and Benefit of Master Masonry LLC v. Travelers  
Casualty and Surety Company of America, et al.  
Civil Action No. 3:16-cv-50

Dear United States for the Use and Benefit of Master Masonry LLC, Travelers Casualty  
and Surety Company of America, Greenland Enterprises, Inc., and First Colonial  
Builders, Inc.,

I have been contacted by Chief Judge, Gina M. Groh, who presided over the above-  
mentioned case. Judge Groh informed me that it has been brought to her attention that  
while she presided over the case, her husband owned stock in Travelers. Her husband's  
ownership of stock neither affected nor impacted her decisions in this case, which was  
terminated after settlement upon entry of an Order Dismissing Case With Prejudice.  
However, her husband's stock ownership would have required recusal under the Code  
of Conduct for United States Judges, and thus, Judge Groh directed that I notify the  
parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct  
Committee, provides the following guidance for addressing  
disqualification that is not discovered until after a judge has participated  
in a case:

[A] judge should disclose to the parties the facts bearing on  
disqualification as soon as those facts are learned, even though that may  
occur after entry of the decision. The parties may then determine what  
relief they may seek and a court (without the disqualified judge) will  
decide the legal consequence, if any, arising from the participation of  
the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of  
Appeals oral argument, the Committee explained "[s]imilar considerations would apply  
when a judgment was entered in a district court by a judge and it is later learned that the

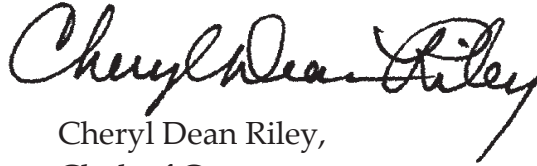
500 West Pike Street, Room 301  
Clarksburg, WV 26302  
(304) 622-8513

P.O. Box 1518  
Elkins, WV 26241  
(304) 636-1445

217 W. King Street, Room 102  
Martinsburg, WV 25401  
(304) 267-8225

judge was disqualified." With Advisory Opinion 71 in mind, you are invited to respond to Judge Groh's disclosure of a conflict in this case. Should you wish to respond, please submit your response in writing by filing it on the docket of this case on or before **October 13, 2021**. Any response will be considered by another judge of this court without the participation of Judge Groh.

Sincerely,

A handwritten signature in black ink, reading "Cheryl Dean Riley". The signature is fluid and cursive, with the first name "Cheryl" being the most prominent.

Cheryl Dean Riley,  
Clerk of Court